

IMPLEMENTATION TEAM MEETING NOTES

November 1, 2000, 9:00 a.m.-4 p.m.

NATIONAL MARINE FISHERIES SERVICE OFFICES PORTLAND, OREGON

I. Greetings, Introductions and Review of the Agenda.

The November 1, 2000 meeting of the Implementation Team, held at the National Marine Fisheries Service's offices in Portland, Oregon, was chaired by Jim Ruff of NMFS and facilitated by Donna Silverberg. The agenda for the November 1 meeting and a list of attendees are attached as Enclosures A and B.

The following is a distillation (not a verbatim transcript) of items discussed at the meeting, together with actions taken on those items. Please note that some enclosures referenced in the body of the text may be too lengthy to attach; all enclosures referenced are available upon request from NMFS's Kathy Ceballos at 503/230-5420 or via email at kathy.ceballos@noaa.gov.

Silverberg welcomed everyone to the meeting, led a round of introductions and a review of the agenda.

II. Updates.

A. In-Season Management (TMT). See Agenda Item III, below.

B. Independent Scientific Advisory Board (ISAB). No ISAB report was presented at today's meeting.

C. Water Quality Team (WQT). Mark Schneider, WQT co-chair, provided an update from the WQT's October 24 meeting. On the subject of the Bonneville-funded SYSTDG model, Schneider said there have been some delays in the process of making the model a useful in-season management

tool. However, I heard just this morning that we're back on track, Schneider said; the next step in the process is to train interested parties in the region in the use of that model. That training workshop is now scheduled for January, said Schneider, asking that the other IT participants let him know who in their organizations needs to be trained in the SYSTDG model.

Moving on, Schneider said representatives of the Corps, NMFS and the state water quality agencies have been visiting the fixed monitoring stations throughout the Columbia basin, evaluating the ability of the present monitoring network to provide the data needed to develop BPA's systemwide water quality model. We will be recommending a few changes in that monitoring network, said Schneider, which will be incorporated into the Corps' 2001 Water Quality Plan.

Mary Lou Soscia noted that the EPA temperature model is now available on disk; we're looking at how best to integrate that with the SYSTDG model, she said. Schneider suggested that training in the EPA temperature model be added to the agenda of the January SYSTDG workshop.

The group also discussed BPA's proposed systemwide water quality model; it was agreed that, in the course of developing the written scope of work for this project, BPA address the concerns and questions raised at the most recent WQT meeting, which mainly had to do with the creation of "dueling models." It was further agreed to discuss the BPA model further at the November WQT meeting and at the December IT meeting. Soscia noted that EPA is committed to a single temperature model.

D. System Configuration Team (SCT). See Agenda Item IV, below.

E. Quantitative Analytical Report (QAR). No QAR update was presented at today's meeting.

III. TMT Report – The Year in Review.

Rudd Turner of the Corps said TMT has been working on the requested year-end report at its last two meetings; the result is Enclosure C, a presentation titled "2000 Year in Review – Columbia/Snake System Operations." Turner noted that, this year, the TMT covered a lot of ground; this presentation was an attempt to capture the highlights of this year's in-season management period. Turner then spent a few minutes going through this information; he noted that detailed information on the content and disposition of the System Operational Requests received in 2000 is available from the TMT website.

Turner touched on all of the TMT's main activities, by month, beginning in November 1999 (please refer to Enclosure C for details). He noted that the first issue was raised from TMT to IT in April; the action agencies wanted to see 24-hour spill at Little Goose, while the action agencies wanted to stick with the spill agreement signed in advance of the 2000 FCRPS BiOp, which called for 12-hour spill. Turner added that the peak of the 2000 runoff (375 Kcfs at The Dalles) occurred on April 23,

much earlier than usual. Ruff observed that, if the predictions of global warming are accurate, the region can expect that early runoff trend to recur in future years, a reality the TMT may need to address in its planning process.

Ron Boyce reiterated the state fishery agencies' concern that the Corps' conservative approach to flood control negatively impacted the ability of the storage projects to refill in 2000. Ruff replied that the new BiOp contains several items specifically designed to address that concern, including the implementation of VAR-Q and the possible implementation of a 75% refill probability for planning purposes. Boyce requested that the Corps develop a written report on the feasibility of using improved forecasting tools in its annual flood control planning process. Jim Litchfield cautioned that, despite the fact that there is a great deal of financial impetus to develop better forecasting tools for the hydrosystem, no reliable new tools are currently operational.

So where do we want to go with this agenda item? Silverberg asked. I would like to get a report on the data needs for improved forecasting, including a cost estimate associated with obtaining the information needed, Boyce replied. I would also like a report on the risks associated with using a higher probability of refill – 75% or even 100%, he said. Ruff suggested that the TMT would be the most appropriate entity to develop these reports. Turner noted that, while it would be possible to develop a management strategy that incorporates a higher probability of refill, there are attendant risks in the form of a higher probability of a flood event. It will also negatively impact in-stream flows during the spring period, Jim Nielsen noted. It was agreed that, while the initial conversations on these topics will occur at TMT, the IT needs to have additional discussions on these issues as well. Howard Schaller noted that these two issues – better forecasting tools and changing the probability of refill – are closely interrelated, and need to be considered in tandem if they are to be evaluated effectively.

Turner continued on through the TMT report, touching on events in May, June, July, August and September. He noted that very little precipitation occurred after mid-June; actual average flows for the spring season were 85 Kcfs at Lower Granite, 157 Kcfs at Priest Rapids and 243 Kcfs at McNary; during the summer period, average flows were 35 Kcfs at Lower Granite and 156 Kcfs at McNary.

Boyce raised the concern that, once again in 2000, the decisions about how Dworshak would be used, and about whether or not to seek a TDG waiver from the State of Idaho, were made at the 11th hour. Soscia replied that, after the season, EPA ran an analysis of the decisions the TMT made on Dworshak operations in 2000; what that found was that the decisions the TMT made were absolutely the best that could have been made in 2000, with respect to keeping water temperatures as low as possible. That comes as no surprise, given the extensive modeling, analysis and discussion that went into those decisions, said Ruff.

It was agreed that the WQT will be tasked to review the EPA report, and make recommendations about how this information should be incorporated into the planning for next year. It

was also agreed that NMFS and the TMT should include the contingency that no waiver will be forthcoming from Idaho in its pre-season planning for next year. Jim Yost said that would probably be advisable, from Idaho's perspective. Soscia said she will furnish Kathy Ceballos with copies of the EPA report for distribution to the IT and TMT.

Litchfield asked whether a waiver will be needed from the State of Idaho in the future, given the results of EPA's analysis. Turner replied that, while the limitation on Dworshak outflow worked out for the best in 2000, each summer is different; under different flow, storage and temperature conditions, the lack of a waiver could be a serious constraint on desired operations.

Moving on, Turner described the various power system emergencies that constrained FCRPS operations in the summer of 2000; on the biological front, he noted that the median timing of the Snake River fall chinook migration was early this year and that, in general, the fish runs were of a more extended duration. In response to a question from Boyce, Dan Daley said the question of the most appropriate response to power system emergencies is under discussion at the highest policy level; in general, however, until new generating resources come on line in the next three to five years, the situation will remain volatile, and there is a high potential for additional power system emergencies to occur in both the summer and winter periods. Daley added that, in the new BiOp, BPA has committed to several transmission system upgrades that will also help alleviate these problems; again, however, it will be several years before those improvements are on line.

IV. Report of the SCT on FY 2001 CRFM Priorities.

Bill Hevlin reported that the SCT has now completed its prioritized list of FY'01 CRFM projects; the total cost of the FY'01 program is about \$85 million. Congress has now appropriated \$81 million, which isn't too bad, Hevlin said; however, we have now heard that Congress is going to withhold 16% for savings and slippage, a much higher percentage than in previous years. That means we have only \$68 million to actually work with, Hevlin said. Essentially, Congress will hold onto the other \$13 million of the appropriation; at this time, there is no guarantee that any of it will be restored. However, it may be possible to restore at least a portion of savings and slippage in FY'01, said Hevlin; essentially, the Corps will need to argue that that additional 16% is needed.

In terms of the impact of this shortfall on the CRFM budget, said Hevlin, we're sharpening our pencils on all of the line-items. There is also a heightened awareness of any contracts that need to be let in the next few months, which may impact our ability to start other, higher-priority projects later in the year. In addition, there are off-ramps on a couple of major projects, said Hevlin, including Bonneville 1 DSM and outfall. We will be making those decisions in the spring, and will involve the IT in those discussions, he said, adding that SCT and FFDRWG are starting to work on a five-year plan for juvenile passage at Bonneville.

Moving on, Hevlin touched on the major funding categories for the FY'01 CRFM budget

(Enclosure D):

- Juvenile bypass facility improvements, monitoring and evaluations: 29.4%
- Surface bypass development and evaluations: 29.9%
- Dissolved gas abatement: 4.2%
- Adult passage facility improvements, monitoring and evaluation: 16.3%
- Juvenile passage behavior and survival studies: 15%
- Miscellaneous: 5.2%

The next SCT meeting is November 8, said Hevlin; at that meeting, we will be discussing Reclamation's report on Grand Coulee gas abatement alternatives; that report is available at www.usbr.gov/wrrl/kfrizell/gcreport.pdf. We will also be getting an update on the Corps' report on Chief Joseph flow deflectors, Hevlin said; both items may be of interest to the IT, and you are invited to attend.

V. Report from the Action Agencies on Progress Toward the Development of the Five-Year Plan for Implementing the 2000 FCRPS Hydro Biological Opinion.

Daley said that, as most of the other IT participants are aware, there is an RPA measure in the 2000 FCRPS BiOp that calls for the development of one- and five-year implementation plans. The action agencies have been tasked with the development of those plans, which will lay out a schedule for the implementation of the improvements called for in the BiOp. NMFS, in a sub-task, will be monitoring the success of those efforts, Daley said. The plans include both hydrosystem and off-site mitigation projects; the action agencies have been meeting to discuss how to develop these implementation plans.

It quickly became apparent that none of the action agencies had the expertise to mesh these implementation plans with the other ongoing processes in the region, said Daley; we found a contractor, Battelle Northwest, which will be doing this work for us. Their suggested approach is to do some research, looking at as many comprehensive implementation plans as they could get their hands on for the elements they have in common, as well as unique elements that might be useful in the FCRPS planning process.

Battelle has now completed this preliminary survey and analysis, Daley said; they are now working on a template, including all of the elements they feel may be necessary for these implementation plans to meet the BiOp requirements. That template is expected to be available by the end of this week; it will then be reviewed by the action agencies, NMFS and the Fish and Wildlife Service.

Daley spent a few minutes describing how the one-year and five-year planning process will work. Again, he said, we have not yet seen the template; once it is reviewed for acceptability, we will decide how to obtain additional regional input on the template. A couple of things have set us back a

little, he said; the BiOp calls for the first implementation plans, for FY'02, to be developed by January 31, 2001; it is doubtful that schedule can be met. Also, he said, since the BiOp was made public, the Council program has come out, calling for three-year rolling reviews. The action agencies are committed to integrating the annual and five-year plans with other ongoing planning processes in the basin; we have begun to talk with Council staff about how to mesh these plans with the Council measures.

We have informed CBFWA that we are in the process of developing these plans, Daley said; again, the need to mesh the one- and five-year plans with other regional planning processes may set back the schedule a little. We want whatever plans we come up with to be complementary, not conflicting, he said. This is an enormous task, particularly given the need for integration, Daley said; the details, by and large, are still up in the air. Once those details are available, we will share them with the region. Again, the action agencies have been tasked to develop the plans; NMFS has been tasked to approve them once they are developed. One of the details that is still up in the air is state and tribal participation in the planning process, he said; however, that participation does not change the federal obligation to implement the measures called for in the 2000 FCRPS Biological Opinion.

What, then, is the schedule for the planning effort? Boyce asked. As I said, January 31 probably isn't feasible, Daley replied; we're probably looking at March for the release of a draft plan, which will be adjusted after the Council and CBFWA processes are completed. What about Clean Water Act planning? Boyce asked. We haven't gotten that far, but that will have to be an element of the plans, Daley replied. You can expect that we will be stumbling around somewhat on the first round of planning, he added; chances are that we will be out of synch with some of the other planning processes in the region, and will need to rely on Regional Forum groups like the WQT and the SCT to do major portions of the planning, at least for the hydro portion of the plans. It was agreed to place an update on this topic on the next IT agenda.

The group devoted a lengthy discussion to the need for effective integration between the one- and five-year planning effort with other regional processes; Boyce emphasized the need for extensive up-front coordination in planning for all of the Hs.

VI. Results of Consultation With the Tribes.

Gary Sims, the NMFS tribal liaison, reported that NMFS has been told by the Umatilla and Nez Perce Tribes that they do not want to consult at this time – not until their comments have been reviewed and given full consideration, in the case of the Nez Perce. NMFS has replied that they are in the process of reviewing and considering the tribes' comments. There is a hybrid policy/technical meeting with some of the tribes scheduled for next week, added Sims.

In terms of the things that are coming up in the consultation meetings, for the upriver tribes, the main issue is cultural resources at Grand Coulee, Sims continued. Deeper drawdowns expose more

archaeological sites, he said; not all of those sites are known. For the Colville and Spokane tribes, contaminants in the lake are also a major issue; their concerns include the fact that operations at Grand Coulee could stir up those contaminated sediments, as well as the fact that the human effects of lake management have not been studied.

We met with the Snake River tribes last week, said Sims; the Sho-Bans in particular are concerned about the management of American Falls Reservoir. There are cultural resource and health concerns there as well, when that project is drawn down to a low level, he said. For the downriver treaty tribes, harvest is the major issue; for those tribes, the biggest harvester of fish is the hydrosystem. They may be laying the groundwork for future litigation, Sims said, because the hydrosystem is going to continue to harvest 18%-20% of the fish, even with the new BiOp in place. We are going to be looking at the documents produced by ICBMP as a baseline condition, said Sims; the tribes are still concerned, however, primarily about the feasibility of assessing the benefits of the new BiOp in the future.

Will there be any specific changes to the 2000 BiOp as a result of these consultations, and will we have an opportunity to review those changes? Boyce asked. We're assuming that the hydro folks are taking the comments received during the tribal consultations into account; Sims replied; I don't know how, specifically, they are being addressed. There are several areas, such as the BiOp's emphasis on offsite mitigation, that probably cannot be changed in response to tribal comments, and I doubt the tribes will be very happy about that, said Sims.

There are also concerns, from the tribal perspective, about the fact that we basically handed them this 700-page document and said, give us your comments in 30 days, said Sims. From their standpoint, that is not consultation – they would have preferred to be involved every step of the way during the development of the BiOp. At this point, he said, they are telling us that they need more time to read and analyze the contents of the BiOp, and we're not sure how that will be resolved, said Sims. Soscia noted that the tribes have been extremely gracious during the consultation process; Sims added that, prior to one recent consultation, one of the tribes held a traditional ceremony in their longhouse to emphasize the seminal importance of the salmon to the culture of the tribes.

VII. Overview of Comments on the Draft 2000 FCRPS Hydro Biological Opinion.

Brian Brown distributed a list of major comment categories on the draft 2000 FCRPS and contact persons for each of those comments; he noted that the majority of these comments are now available via NMFS website <http://www.nwr.noaa.gov/hydro/hydroweb/comments.html>. We're still trying to determine how best to respond to these comments, said Brown; it is still NMFS' intent to finalize and sign the BiOp by mid-December. Likely, we will be posting a response to comments on the Internet; where possible, of course, we will also change the relevant sections of the BiOp to reflect the comments received, he said.

With respect to the substance of comments, there are a couple of major issues, said Brown.

One is population analysis and the jeopardy standard; another is the item you were just discussing, the need to coordinate the one-and five-year planning processes with other regional processes. Another major group of comments have to do with the hydro measures called for in the 2000 BiOp, said Brown; you can expect some of those measures to change as a result of those comments. Another major category of comments has to do with offsite mitigation, said Brown.

By Thanksgiving, we should have a revised BiOp ready for internal review, said Brown; in all candor, we haven't even finished reading all of the comments, so that may or may not be feasible. In response to a question from Boyce, Brown said the driver behind the December 15 signing date is to get the BiOp finalized in time for implementation in 2001.

Once we've thought all the way through to the point that we can re-write the BiOp, said Brown, there will be a two-to-three-week window for internal, legal and action agency review. During that period, I would also like to have a couple of meetings with state and tribal representatives to discuss the revisions that have been made in response to comments; the IT could provide a forum for that, he said, although not all of the stakeholders choose to participate in this process.

One thing I wanted to get some feedback on is the IT's perception of the need for further discussions on the 2000 FCRPS BiOp, said Brown. Given the fact that the discussion on these issues is endless, he said, in my view, we would be well-served to get the BiOp finalized and move on to implementation. We haven't seen anything in the comments yet that suggests we've got it all wrong, although there are certainly those in the region who disagree with some of the items we're recommending, notably those who want us to take out the dams, or those who disagree with our rationale with respect to flow augmentation, said Brown.

In response to a question from Bruce Lovelin, Brown said that, in cases where the commentors provide new information that was not considered in the BiOp, that new information will likely be used to refine NMFS' analysis. In cases where the commentor simply disagrees with NMFS' approach, however, NMFS' response is likely to be, "comment noted." That's disappointing, said Boyce, because there are a number of serious disagreements with the approach NMFS has taken in this BiOp, and it is unfortunate that NMFS is simply planning to ignore those types of comments. Actually, that's not what I heard Brian say, said Daley – I heard him say that, in cases where you have additional information to back up your argument, NMFS will take that into account.

What about cases where we have a serious disagreement with your analytical approach? Boyce asked – if that's off-limits for discussion, then Oregon has wasted its time in reviewing the BiOp. What I said was that we haven't seen anything in the comments, so far, that would cause a complete paradigm shift in our approach in this BiOp, said Brown; if you feel that is inadequate, the message you should be getting is, we disagree with you. However, we haven't yet read and digested all of the comments received, added Ruff.

Given these facts, is there any point in getting together again? Boyce asked. That's up to you, said Brown, although I think there are some issues that we will want to talk to you about – there are going to be some fairly significant changes in the next draft of the BiOp. How public will the next draft of the BiOp be? Lovelin asked. It won't be public at all, Brown replied – we have no desire to go through a second round of comments on the BiOp. Again, however, there will be some significant changes to the BiOp in response to comments, and it would probably be appropriate for at least this group to hear about them prior to December 15, Brown said. The group discussed whether the IT or CBFWA would be the most appropriate forum for discussion of how the BiOp will change in response to the comments received; ultimately, it was agreed that CBFWA would probably be the most appropriate place for this discussion, given the need for tribal participation.

VIII. Discussion of the Northwest Power Planning Council's Phase 1 Fish and Wildlife Program.

This agenda item was deferred until the December IT meeting.

IX. Approval of Minutes from the August 16 IT Meeting.

No comments were received on these minutes at today's meeting; it was agreed that IT participants will have 30 days to comment on the minutes from a previous meeting, after which the notes will be considered final.

X. Next IT Meeting Date.

The next meeting of the Implementation Team was tentatively set for Wednesday, December 6. Meeting notes prepared by Jeff Kuechle, BPA contractor.